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the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-third session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Tonga

1. The Committee considered the eleventh, twelfth and thirteenth periodic reports of Tonga (CERD/C/319/Add.3), at its 1298th meeting, on 18 August 1998. At its 1302nd meeting, on 20 August 1998, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the presentation of the State party's report, but regrets that the absence of a delegation in its meeting did not allow it to enter into a dialogue with the State party. The Committee notes that the report does not follow the guidelines for the presentation of reports.

B. Positive aspects

3. The regularity in the presentation of periodic reports is most welcome, considering that Tonga is a small country with limited resources.

4. It is noted with satisfaction that the Constitution contains provisions prohibiting the practice of racial discrimination and ensuring equal rights for all the people in the territory of the State party. The statement in

the report to the effect that measures taken to encourage integration and multiracial organizations have been promoted by allowing non-Tongans to participate in schools, business, religion and other aspects of public life is also noted with interest.

5. The Constitution also contains provisions allowing any individual to bring complaints about discrimination on racial grounds before the courts. The statement in the report indicating that there have been no court decisions on any case relating to racial discrimination is also noted.

## C. Principal subjects of concern

6. The report does not contain sufficient information that would allow the Committee to assess the level of implementation of the Convention in Tonga.

7. Concern is expressed, in particular, at the lack of legislation intended to enforce the provisions contained in article 4 of the Convention and at the statement contained in the report that Tonga has no express policy on the elimination of racial discrimination.

8. In view of the ethnic characteristics of the population, the structure of power in the country and the configuration of the Legislative Assembly, it is regretted that the State party has not provided detailed information about the implementation of the provisions of article 5 of the Convention vis-à-vis the different ethnic groups.

9. It is a matter of concern that, as the Convention has not been incorporated into the domestic law, it cannot be invoked in the courts.

## D. Suggestions and recommendations

10. The Committee recommends that the next report provide updated information about the population, in conformity with paragraph 8 of the Committee's general guidelines. The report should also contain detailed information about the practical implementation of the Convention, especially articles 4 and 5.

11. The Committee recommends that the State party provide a core document as soon as possible.

12. The Committee recommends that subjects intended to promote tolerance among different ethnic groups be incorporated in school curricula.

13. The Committee suggests that, in the preparation of its next periodic report, the Government of Tonga may wish to avail itself of the technical assistance provided under the advisory services and technical assistance programme of the Office of the United Nations High Commissioner for Human Rights.

14. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

15. It is noted that the State party has not made the declaration provided for in article 14 of the Convention and some members of the Committee requested that the possibility of such a declaration be considered.

16. The Committee recommends that the State party's next periodic report, due on 17 March 1999, address all the points raised in the present observations. It also expresses the hope that a delegation be present when the Committee considers the report.

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